

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, November 2, 2021

Hearing Room 1675

11:00 AM

2:00-000000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1605473170>

ZoomGov meeting number: 160 547 3170

Password: 897894

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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Chapter

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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Central District of California
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Tuesday, November 2, 2021

Hearing Room 1675

11:00 AM

2:20-21080 Orchid Child Productions, LLC

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(Whose Dog R U Productions VS Debtor)

Docket 62

***** VACATED *** REASON: Cont'd from 11/2/21 to 12/7/21 at 2:30 p.m.
per stip & order entered on 10/21/21-pp.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 12/7/21 at 2:30 p.m. No
appearances are required on 11/2/21.

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| Party Information |
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Debtor(s):

Orchid Child Productions, LLC

Represented By
Sanaz Sarah Bereliani
David B Lally

Movant(s):

WHOSE DOG R U

Represented By
Michael J Plonsker
Leslie A Cohen

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Gary E Klausner
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, November 2, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#1.01 Cont'd hearing re: Motion for relief from stay
(Wells Fargo Bank, N.A. VS Debtors)
fr. 6/29/21, 7/27/2, 9/14/21, 10/26/21

Docket 297

Tentative Ruling:

No updated tentative ruling as of 10/28/21. Appearances are required on 11/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 9/13/21. Off calendar. Continued by stipulation and order to 10/26/21 at 11:00 a.m. No appearances are required on 9/14/21.

Prior tentative ruling as of 9/11/21. Treat motion as contested matter under FRBP 9014 and set a schedule of pretrial proceedings to resolve disputed issues of material fact regarding valuation of subject property to determine lack of equity cushion and to determine whether reorganization is reasonably in prospect under 11 U.S.C. 362(d)(2). Deny motion as to 11 U.S.C. 362(d)(1) as movant's own computations show that it has a 57% equity cushion which adequately protects its lien. See *In re Mellor*, 734 F.2d 1396 (9th Cir. 1984) (20 percent equity cushion constitutes adequate protection). Sustain evidentiary objections of objecting creditors to declaration testimony relating to valuation of other liens on subject property for lack of foundation (i.e., lack of personal knowledge, lack of authentication) pursuant to FRE 602 and 901. Appearances are required on 9/14/21 to discuss the scheduling of pretrial proceedings and evidentiary hearing, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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| Party Information |
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Debtor(s):

Shahriar Joseph Zargar

Represented By

**United States Bankruptcy Court
Central District of California
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Hearing Room 1675

11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi
Raymond H. Aver

Chapter 11

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

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Hearing Room 1675

1:30 PM

2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#2.00 Cont'd status conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud [11 U.S.C. § 523 (a)(2)(A) & (6)] fr. 3/16/21, 6/1/21, 7/27/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 10/28/21. No tentative ruling on the merits. Appearances are required on 11/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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| Party Information |
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Debtor(s):

Anthony Roy Martinez

Represented By
Christian T Kim

Defendant(s):

Anthony Roy Martinez

Pro Se

Plaintiff(s):

Lance Carter

Represented By
Dana M Douglas

Jean Holmes

Represented By
Dana M Douglas

Carriage Estates LLC

Represented By
Dana M Douglas

Adamantine Investments LLC

Represented By
Dana M Douglas

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1:30 PM

CONT... **Anthony Roy Martinez**
Sterling Holdings LLC

Represented By
Dana M Douglas

Chapter 7

Lance Carter IRA 419990

Pro Se

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 2, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#3.00 Cont'd status conference re: Adversary complaint for determination of dischargeability and objection to debtor's discharge pursuant to 11 U.S.C. §§ 523(a)(2)(A) and 523(a)(6), for attorney's fees and costs
fr. 4/27/21, 6/15/21, 7/13/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 10/28/21. Off calendar.
Rescheduled by court order to 11/30/21 at 2:00 p.m. due to insufficient notice of hearing on Plaintiffs' motion for default judgment. No appearances are required on 11/2/21.

Prior tentative ruling as of 7/8/21. No tentative ruling on the merits.
Appearances are required on 7/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/14/21. No tentative ruling on the merits.
Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 4/21/21. The parties should discuss the status of defendant's responses to plaintiffs' outstanding discovery requests, and the court will hear argument on plaintiffs' discovery dispute motion and will discuss scheduling of further litigation proceedings, including rescheduling the pretrial conference. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/5/21. The court has reviewed plaintiffs' unilateral status report and plaintiffs' draft discovery dispute stipulation. No tentative ruling on the merits. The parties should discuss the status of their meet and

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CONT...

Alfred Lee Stringer

Chapter 7

confer efforts regarding plaintiffs' discovery requests and plaintiffs' anticipated discovery dispute motion. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. Appearances are required on 2/2/21 to discuss scheduling of further proceedings, including filing of a joint pretrial stipulation and scheduling the pretrial conference, but counsel and self-represented parties must appear by telephone.

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| Party Information |
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Debtor(s):

Alfred Lee Stringer

Pro Se

Defendant(s):

Alfred Lee Stringer

Pro Se

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

Sharlet Marie Lee

Represented By
Albert L Chaney III

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#3.10 Hearing re: Plaintiff's application for entry of default judgment on plaintiffs' adversarial complaint and for an award of attorney's fees and costs

Docket 40

Tentative Ruling:

Off calendar. Rescheduled by court order to 11/30/21 at 2:00 p.m. due to insufficient notice. No appearances are required on 11/2/21.

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| Party Information |
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Debtor(s):

Alfred Lee Stringer

Represented By
Marc A Goldbach

Defendant(s):

Alfred Lee Stringer

Pro Se

Movant(s):

Mylaunna Lee

Represented By
Albert L Chaney III

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

Sharlet Marie Lee

Represented By
Albert L Chaney III

Trustee(s):

Elissa Miller (TR)

Pro Se

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Hearing Room 1675

2:00 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization

#4.00 Pretrial conference re: Complaint for 1. declaratory relief; 2. Violation of discharge
fr. 6/8/21, 6/15/21, 8/17/21, 9/14/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 10/28/21. The parties have not filed the joint pretrial stipulation required by LBR 7016-1 for the pretrial conference on 11/2/21. The court has reviewed the declaration of counsel for defendant regarding his unsuccessful attempts to obtain the cooperation of counsel for plaintiff to prepare and file the joint pretrial stipulation. The court intends to impose sanctions of \$250 against counsel for plaintiff for his failure to comply with his obligations to prepare and file a joint pretrial stipulation. Appearances are required on 11/2/21 to discuss rescheduling of the pretrial conference and other further proceedings, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 9/11/21. Since discovery has been taken and appears to be completed, and mediation was unsuccessful, the court intends to abide by the scheduling order of 8/18/21 requiring the parties to file a joint pretrial stipulation by 10/26/21 and setting a pretrial conference for 11/2/21 at 2:00 p.m. Having read counsel's declaration in response to the order to show cause, suggesting that the matter be stayed until debtor can file a new Chapter 7 bankruptcy case in October 2022 on the theory that the debt would be dischargeable in such a case, first, the suggestion is not made in a proper motion, and second, the court is of the view that such suggestion and theory are not well-taken. The tax debt if upheld would still be nondischargeable in a post-October 2022 case as in this case because it is a debt within the meaning of 11 U.S.C. 507(a)(8)(C) as a tax required to be collected or withheld and for which the debtor is liable in whatever capacity. The issue, it seems to the court, is that either he is liable as a responsible person or not. Appearances are required on 9/14/21 to discuss scheduling of further proceedings, but counsel and self-represented parties must appear through

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CONT... Shany Benmoshe

Chapter 7

Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 8/16/21. The parties should report if they have completed mediation and discovery, and if the matter is not settled, when it should be set for a pretrial conference. Appearances are required on 8/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court has reviewed the joint status report and notes that the parties do not agree as to dates for a schedule of pretrial proceedings and whether the matter should be ordered to mediation. No tentative ruling on the merits. Appearances are required on 6/9/20 to discuss scheduling and possible referral to mediation, but counsel and self-represented parties must appear by telephone.

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| Party Information |
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Debtor(s):

Shany Benmoshe

Represented By
Simon Aron
Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1675

2:00 PM

2:18-21855 Michael Richard Shapiro

Chapter 7

Adv#: 2:19-01009 Vechery v. Shapiro

#5.00 Cont'd Pre-Trial Technical Status Conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523
fr. 2/16/21, 7/6/21, 8/31/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 10/28/21. No tentative ruling on the merits. Appearances are required on 11/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised and updated tentative ruling as of 2/12/21. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The court will refer this matter to the court's mediation program, and mediation should be completed by 6/15/21. Regarding defendant's request that further proceedings be conducted by telephone or video conference, the court will be conducting hearings remotely for the time being as the federal courthouses in this district are currently closed for in person hearings. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 1/15/21. Off calendar. The court has reviewed the joint status report. In light of the recently filed amended complaint and answer thereto, the substitution of counsel for plaintiffs and the lack of recollection that the counsel ever conducted a LBR 7026-1 meeting, the court orders that the counsel conduct a LBR 7026-1 meeting within the next three weeks, file an updated joint status report on 2/9/21 and appear for a further status conference on 2/16/21 at 1:30 p.m. No appearances are required on 1/19/21 as the court continues the status conference to 2/16/21 at 1:30 p.m.

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CONT... Michael Richard Shapiro

Chapter 7

Revised and updated tentative ruling as of 8/3/20. The court has reviewed plaintiff's unilateral statement for the status conference filed on 8/3/20. Apparently, the mediation has not yet been conducted. According to plaintiff in his statement, he believes that an in person mediation would be more successful than one by videoconference, but defendant is not willing to have an in person mediation in light of current pandemic conditions, suggesting that the parties be allowed to complete an in person mediation by February 2021, assuming the pandemic subsides. Since the statement was unilateral, the court will hear from both parties as to the status of the pending mediation and the scheduling of further proceedings, including whether plaintiff intends to further amend the complaint as stated in its motion to extend discovery deadlines filed on 6/30/20. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 4/27/20. The court has reviewed plaintiff's unilateral status report and defendant's joinder and grants joint request to continue scheduling dates as follows: (1) discovery cutoff date extended from 3/31/20 to 6/30/20; (2) status report filing due date extended from 4/21/20 to 7/28/20; (3) status conference continued from 4/28/20 at 1:30 p.m. to 8/4/20 at 1:30 p.m.; and (4) mediation completion deadline extended from 4/28/20 to 8/4/20. Plaintiff to lodge a proposed updated scheduling order within 7 days.

Revised tentative ruling as of 10/7/19. The court has reviewed modified joint status report. Set a discovery cutoff date of 3/31/20, and a post-discovery status conference on 4/28/20 at 1:30 p.m. with a joint status report due on 4/21/20. Defendant should address why the matter is not amenable to mediation. Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling in light of the pending motion to dismiss the second amended complaint. The court will hear argument on the motion to dismiss at the same time as the status conference on the 1:30 p.m. calendar. Appearances are required on 7/30/19 at 1:30 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

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2:00 PM

CONT... Michael Richard Shapiro

Chapter 7

Party Information

Debtor(s):

Michael Richard Shapiro

Represented By
Charles Shamash
Joseph E. Caceres

Defendant(s):

Michael Richard Shapiro

Pro Se

Plaintiff(s):

Harvey Vechery

Represented By
Tom Lallas
Mark D Hurwitz

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
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2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

#6.00 Cont'd hearing re: First interim application for award of compensation and reimbursement of expenses of Danning, Gill, Israel & Krasnoff, LLP, as general counsel to chapter 7 trustee
fr. 9/28/21, 10/5/21

Docket 41

***** VACATED *** REASON: Per order entered on 10/28/21-pp.**

Tentative Ruling:

Updated tentative ruling as of 10/28/21. Off calendar. The court has determined that oral argument on the application is not necessary, dispenses with oral argument, vacates the hearing, takes the application under submission and issued an order ruling on the application. No appearances are required on 11/2/21.

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| Party Information |
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Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
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Tuesday, November 2, 2021

Hearing Room 1675

2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

#7.00 Cont'd hearing re: Application for payment of interim fees and/or expenses of LEA Accountancy, LLP
fr. 10/5/21

Docket 48

***** VACATED *** REASON: Per order entered on 10/28/21- pp.**

Tentative Ruling:

Updated tentative ruling as of 10/28/21. Off calendar. The court has determined that oral argument on the application is not necessary, dispenses with oral argument, vacates the hearing, takes the application under submission and issued an order ruling on the application. No appearances are required on 11/2/21.

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| Party Information |
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Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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2:30 PM

2:20-21080 Orchid Child Productions, LLC

Chapter 7

Adv#: 2:21-01212 WHOSE DOG R U PRODUCTIONS, INC. v. Wolkowitz

#8.00 Hearing re: Motion for preliminary injunction

Docket 2

***** VACATED *** REASON: Cont'd from 11/2/21 to 12/7/21 at 2:30 p.m.
per stip & order entered on 10/21/21-pp.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 12/7/21 at 2:30 p.m. No appearances are required on 11/2/21.

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| Party Information |
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Debtor(s):

Orchid Child Productions, LLC

Represented By
Sanaz Sarah Bereliani
David B Lally

Defendant(s):

Edward M. Wolkowitz

Pro Se

Movant(s):

WHOSE DOG R U

Represented By
Leslie A Cohen

Plaintiff(s):

WHOSE DOG R U

Represented By
Leslie A Cohen

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Gary E Klausner
Carmela Pagay